



Crl.O.P. No.25419 of 2024

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P. DHANABAL.J.,

The petitioners apprehend arrest for the alleged offences under Sections 82(1), 351(2) and 316 (2) of BNS Act in Crime No.35 of 2024, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that the defacto-complainant lodged a complaint and stating that the petitioners were arranged a second marriage for her husband without her consent and knowledge. The Defacto-complainant has questioned about the 2nd marriage of her husband, the petitioners abused and assaulted the defacto-complainant. Hence the case.

3. The learned counsel for the petitioners would contend that these petitioners are innocent persons and they have not indulged in any illegal activities as alleged by the prosecution and they have been falsely implicated in this case by the respondent police. There is no previous case as against these petitioners. Hence, he seeks anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) would submit that there is a family dispute pending between the defacto-complainant and the petitioners, due to which there was a wordy quarrel between them and the petitioners were assaulted the deacto-complainant and she sustained injury. There is no previous case as against these petitioners. The injured person was discharged from hospital. However, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side, considering the nature of offence and considering that there is family dispute between the parties, the petitioners are the in-laws of the defacto-complainant, the injured person was discharged from hospital, there is no previous case pending against these petitioners and also considering other aspects, this court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:



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[a] the petitioners shall report before the respondent police on every Saturday at 10.00a.m. for the period of four weeks;

[b] the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

[c] the petitioners shall not leave India without the prior permission of the Court.

[d] the petitioners shall not abscond either during



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investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

17.10.2024

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